IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

Bail Appl..No. 4386 of 2007()

[NO CRIME REGISTERED]

PETITIONER:

ANIL JOHN C., AGED 32 YEARS,
S/O. JOHN, RESIDING AT CHAKKATTIL HOUSE,
PUNITHURA P.O., ERNAKULAM DISTRICT.

BY ADV. SRI.K.B.SURESH
SRI.T.MADHU

RESPONDENTS:

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1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. THE SUPERINTENDENT OF POLICE,
CRIME BRANCH CID, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.RAVEENDRA BABU

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.4386 of 2007

Dated this the 19th day of July 2007

O R D E R

Application for anticipatory bail. The petitioner apprehends that he will be arrested by the police on the false allegation that he was responsible for throwing stones at a lorry on 01/12/2006, on which day, there was a call for Hadthal/strike by tanker lorries. According to the petitioner, he is absolutely innocent. He is being called to the police station unnecessarily. He has no involvement in that crime at all. In these circumstances he prays that directions under Section 438 Cr.P.C may be issued in his favour.

2. The learned Public Prosecutor, after taking instructions, submits that Crime Branch is investigating into crime No.94/CR/S2/2007 of CBCID SIG-2 Ernakulam. That crime was re-registered on the basis of crime No.664/2006 of Hill Palace police station. Such re-registration was in pursuance of the directions issued by this court in W.P.C.No.6512/2007. The police have no intention to harass the petitioner. The said crime

has got to be resolved. For a proper investigation, several persons will have to be questioned. The petitioner is one of those persons who has to be questioned for a proper investigation of the crime. The petitioner is involved in some similar crimes earlier. In these circumstances, the questioning of the petitioner is necessary for the proper conduct of the investigation. The petitioner may not be permitted to arm himself with an order of anticipatory bail at this stage, submits the learned Public Prosecutor. The investigating officers have no intention to harass the petitioner. He shall not be arrested unless and until the investigating officer is convinced of his complicity. An assertion either way is not possible at the moment about his complicity, submits the learned Public Prosecutor. The petitioner has not been arrayed as an accused till now and at the moment, there is no intention to arrest the petitioner also. The question of arrest may arise only if, in the course of investigation, any material is collected against him, submits the learned Public Prosecutor.

3. I am satisfied, in the facts and circumstances narrated above, that there is absolutely no justification in the prayer for

issue of directions under Section 438 Cr.P.C in favour of the petitioner. He must co-operate with the investigators and make himself available for examination. I have no reason to assume that, if at all, the petitioner were found to be involved in the crime, he will be vexed or harassed. In these circumstances , there is no need to issue any direction under Section 438 Cr.P.C now.

4. This bail application is dismissed with the above observations.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007